

FILED 09 JUL 15 11:11 USDC-OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARIO ROSHUN VITAL,

Petitioner,

CV 08-11-CL

v.

ORDER

MARK NOOTH,

Respondent.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been timely filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I find no error. Accordingly, I ADOPT the Report and

Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#28) is adopted. Respondent's motion to dismiss (#18) is granted and the petition (#2) is denied.

IT IS SO ORDERED.

DATED this 15 day of July, 2009.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE